

213243

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

ENTERED
Office of Proceedings

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

FEB 14 2005

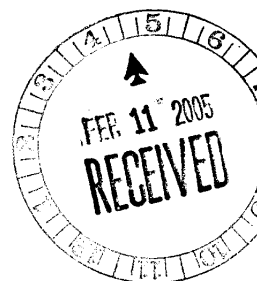
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Part of
Public Record

William A. Mullins
wmullins@bakerandmiller.com

DIRECT DIAL: (202) 663-7823

February 11, 2005



BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: Finance Docket No. 34335
Keokuk Junction Railway Co.--Feeder Railroad Development Application
--Line Of Toledo, Peoria & Western Railway Corporation Between
La Harpe and Hollis, IL

Dear Secretary Williams:

On February 9, Keokuk Junction Railway Co. ("KJRY") filed a response to the February 8, 2005 letter filed by Toledo, Peoria and Western Railway Corporation ("TP&W"). In that response, KJRY praised BNSF Railway ("BNSF"), stating that "As of the afternoon of February 8th, BNSF was reinstalling the crossing diamonds at Bushnell. KJRY appreciates BNSF's cooperation with the Board's request." This statement was based upon personal observations of KJRY personnel who saw BNSF crews at the Bushnell crossing site, appearing to prepare to reinstall the diamonds, which has not yet been done.

On February 9, KJRY received a fax of letter from BNSF in which BNSF claimed "it will likely take at least 180 days to reinstall the crossing diamonds from the time the new material is ordered and obtained from the manufacturer." KJRY was disappointed by this statement, especially because BNSF's General Manager, Springfield Division, had previously stated that "[i]n the event of an emergency the crossing diamonds will be re-installed within 5 days of notification." June 4 TP&W Response, March 15 Letter of David Clifton at 12.

As a result of BNSF's February 9 letter, KJRY contacted BNSF to discuss BNSF's plans and statements. BNSF and KJRY had a conference call this morning to discuss the situation, and BNSF and KJRY continue to be in constant communication. BNSF understands that these

BAKER & MILLER PLLC

Honorable Vernon A. Williams

February 11, 2005

Page 2

diamonds are critical to KJRY, and KJRY is hopeful that it can work out an arrangement with BNSF that will allow KJRY to restore service promptly.¹

If there are any questions about this matter, please contact me directly, either by telephone: (202) 663-7823 or by e-mail: wmullins@bakerandmiller.com. There are an original and eleven copies of this letter. Please time stamp the extra copy and return to the courier for delivery to me. Furthermore, by my signature below, I certify that I have on this date caused copies of this submission to be delivered to Louis E. Gitomer and Gordon P. MacDougall by courier, to Michael E. Roper, counsel for BNSF, by fax, and to be served on other parties of record by first class mail.

Respectfully submitted,



William A. Mullins

Attorney for Keokuk Junction Railway Co.

cc: All Parties of Record

¹ KJRY and BNSF agree that the "ADM detour" arrangement is not physically viable for through trains, due to space limitations, operational and safety issues, as well as the fact that ADM is unwilling to permit their plant track to be used for through train movements.